

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

Claude W. Moffatt,

Plaintiff,

v.

Case No. 09-12320

Department of Treasury,

Honorable Sean F. Cox

Defendant.

ORDER OF DISMISSAL

Acting *pro se*, Plaintiff Claude W. Moffatt (“Plaintiff”) submitted his Complaint and Application to Proceed *in forma pauperis*, and for Appointment of Counsel, on June 16, 2009.

This Court denied Plaintiff’s Application to Proceed *in forma pauperis*, and his request for appointment of counsel, in an Order issued on August 3, 2009. (Docket Entry No. 4). This Court’s August 3, 2009 Order further directed Plaintiff to pay the filing fee for this action no later than August 20, 2009, and expressly cautioned Plaintiff that the “[f]ailure to pay the filing fee by this deadline may result in dismissal of the complaint.” (*Id.*).

Although the deadline for payment of the filing fee has passed, the docket reflects that Plaintiff has not paid the filing fee.

Accordingly, **IT IS ORDERED** that this action is **DISMISSED WITHOUT PREJUDICE** for failure to pay the filing fee.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox
United States District Judge

Dated: October 5, 2009

I hereby certify that on October 5, 2009, a copy of the foregoing document was served upon counsel of record by electronic means and upon Claude W. Moffatt via First Class Mail at the address below:

Claude W Moffatt
8895 Lenore
Redford, MI 48239

S/J. Hernandez

Case Manager